

## Adriana S. Kosovych

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**From:** Jeffrey H. Ruzal <JRuzal@ebglaw.com>  
**Sent:** Friday, April 30, 2021 1:45 PM  
**To:** CK Lee; Anne Seelig; Panning Cui  
**Cc:** Adriana S. Kosovych  
**Subject:** King/Fedcap - further revised settlement provision 6.B

### FOR SETTLEMENT PURPOSES ONLY

CK, Anne and Panning,

In the interest of trying to resolve this matter (and focus our attention on the Brickzaida Aponte matter), I believe I am likely able to persuade my client to agree to the further revised draft below, which presently reflected in section 6.B of the draft settlement agreement. This further revised draft would preserve the portions of the text that you caused to strike (which are highlighted in yellow below), and add the seven words in the first sentence that are reflected in **red** typeface. I believe this strikes a balance between what we discussed this morning regarding avoiding any interference on any present or future investigatory activities you may take with respect to the Aponte matter, and memorializes your present intent – at the time of signature of the final agreement – to not represent any other individuals, which is largely redundant of the surrounding text that is intact. This language does not impede on your future ability to pursue the Aponte action or anything else.

Please let me know if you will agree to accept this modified language, and I will thereafter discuss with my client in an effort to reach an agreement this afternoon.

Thanks,  
Jeff

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6.B King's Attorneys represent that, other than King and Brickzaida Aponte, they do not currently represent **or have any present intention of representing** any other individuals in connection with any claim, action, charge, complaint, or proceeding of any kind (on the individual's behalf or on behalf of any other person or entity or on behalf of or as a member of any alleged class or persons), that is presently pending or that could be asserted in any judicial or arbitral forum or before any Government Agency, against or involving any of the Releasees. King's Attorneys each further represent that they have filed no other lawsuits or initiated any other proceedings against Defendants that remain pending other than the Civil Action and Brickzaida Aponte, Index No. 152683/2021 (N. Y. Sup., N.Y. County) ("Aponte Action"); ~~that they are not currently involved in, aware of, or conducting any investigation related to facts that might reasonably be viewed as potentially giving rise to an action that might be filed pursuant to the Fair Labor Standards, New York Labor Law, or other similar statutes, regulations, and orders governing the payment of wages to employees; and that they have no present intention of conducting such an investigation or pursuing such an action, other than the Aponte Action.~~

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EPSTEIN  
BECKER  
GREEN

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